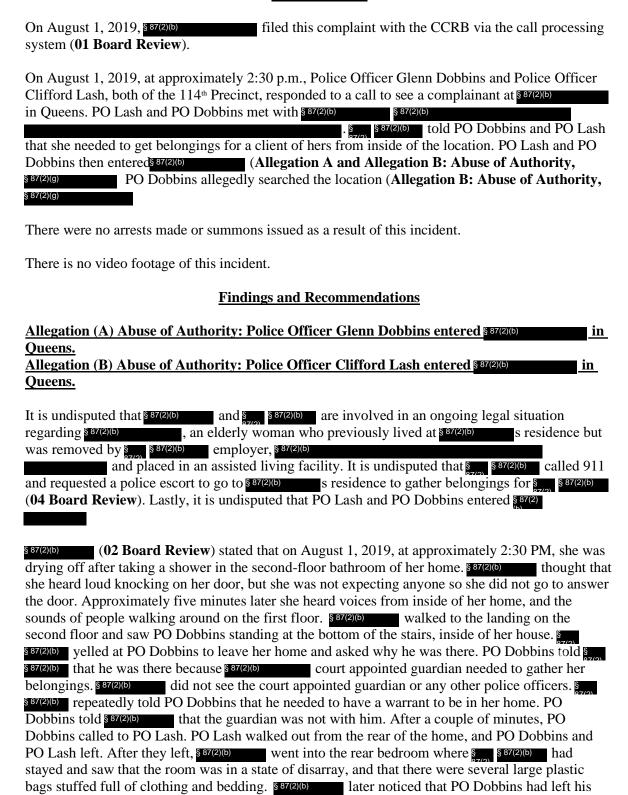
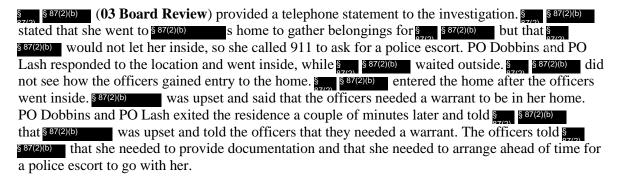
## CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	☐ Discourt.	☐ U.S.
Tessa Yesselman		Squad #4	201906818	✓ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:	•	Precinct:	18 Mo. SOL	EO SOL
Thursday, 08/01/2019 2:30 PM		§ 87(2)(b)		114	2/1/2021	9/18/2021
Date/Time CV Reported		CV Reported At: How CV Reported		Date/Time Received at CCRB		
Thu, 08/01/2019 7:34 PM		CCRB	Call Processing System	Thu, 08/01	/2019 7:34 PM	
Complainant/Victim	Type	Home Addre	ess			
Witness(es)	Home Address					
Subject Officer(s)	Shield	TaxID	Command			
1. POM Glenn Dobbins	01459	946946	114 PCT			
2. POM Clifford Lash	20970	930539	114 PCT			
Officer(s)	Allegati	on		Inve	stigator Recon	nmendation
A.POM Glenn Dobbins	Abuse: Police Officer Glenn Dobbins entered in Queens.					
B.POM Clifford Lash	Abuse: Police Officer Clifford Lash entered in Queens.					
C.POM Clifford Lash	Abuse: Police Officer Clifford Lash searched in Queens.					

## **Case Summary**



business card in her front door.



There is no video evidence of this incident, including body worn camera. <u>Patrol Guide Procedure 212-123</u> (**12 Board Review**) lists the police actions in which police officers are mandated to activate their body worn cameras: crimes in progress, disorderly persons or groups, officers in need of assistance, incidents involving weapons, shotspotter jobs, interior patrols of NYCHA complexes, public interactions that become adversarial, incidents involving emotionally disturbed people, interactions of people suspected of a crime, searches of a person or their property, vehicle stops, summonses, and arrests. [§ 87(2)(9)]

PO Dobbins (**05 Board Review**) stated that he and PO Lash spoke with and anotherwise granted guardian who had "something like" power of attorney over a former resident at the location,

\$\frac{\$87(2)(b)}{\$27(2)}\$ \$\frac{\$87(2)(b)}{\$27(2)}\$ had a document on her phone outlining her relationship to \$\frac{\$87(2)(b)}{\$27(2)}\$ \$\frac{\$87(2)(b)}{\$27(2)}\$ had "some kind" of legal relationship. PO Dobbins did not recall if the address was listed on the document and did not know if the document granted \$\frac{\$87(2)(b)}{\$27(2)}\$ access to \$\frac{\$87(2)(b)}{\$27(2)}\$ access to the location, or if the document otherwise granted \$\frac{\$87(2)(b)}{\$27(2)}\$ access to \$\frac{\$87(2)(b)}{\$27(2)}\$ belongings. \$\frac{\$87(2)(b)}{\$27(2)}\$ told PO Dobbins that \$\frac{\$87(2)(b)}{\$27(2)}\$ was running a "sham charity" and had been renting rooms to elderly people and stealing money from them, and that she wanted to get \$\frac{\$87(2)(b)}{\$7(2)}\$ belongings from inside the home because she had been removed from the home because of the fraudulent behavior.

After this conversation, PO Dobbins walked up to the front door. PO Lash followed behind him, and was behind him. As PO Dobbins approached the house he smelled a strong odor of urine and feces. The odor made him believe that he should conduct a wellness check at the location, to make sure that nobody needed help inside and that there was not a dead body inside. PO Dobbins did not have any conversation with PO Lash or \$87(2)(b) about the odor and did not hear them make any remarks about an odor. PO Dobbins opened the storm door and knocked on the wooden front door with his fist for one or two seconds. The wooden door swung open as a result of his knocking. PO Dobbins opened the door fully and entered, because he wanted to conduct a wellness check and because \$ 87(2)(b) needed to go inside to gather belongings for The living room faced the front door. An elderly woman was laying down in the living room. PO Dobbins did not have any interaction with her. PO Dobbins discerned that the odor was from unkept cat litter and did not do any further investigation into the smell or conduct a wellness check. PO Lash and walked through the living room and to a rear bedroom. PO Dobbins said, "Police Department. Anyone home?" § 87(2)(b) walked to the landing of the stairs in front of him and immediately became irate and yelled at PO Dobbins that he needed to get a warrant. PO Dobbins told \$87(2)(b) that he was not there to search her home, he was only escorting \$87(2)(b) to get \$87(2)(c) belongings. \$87(2)(b) continued to yell at

PO Dobbins and would not listen to what he was saying. PO Dobbins called his supervisor, Lieutenant Simmons, so that he could come and speak to \$87(2)(b) Lt. Simmons arrived approximately ten minutes later. PO Dobbins stepped into the living room and did not listen to the conversation between \$87(2)(b) and Lt. Simmons. Approximately two minutes later, Lt. Simmons told PO Dobbins and PO Lash that they should leave, and said that \$37(2)(b) could get the belongings another day. PO Dobbins agreed that they should leave. PO Dobbins asked \$37(2)(b) if she wanted his business card, but she did not reply, so he left a card tucked in her front door.
DO I ask did not
PO Lash did not review the document that \$\frac{8}{27(2)} \bigstar{8}\frac{87(2)(6)}{27(2)} had on her phone. PO Lash stated that he walked into the rear bedroom with \$\frac{8}{27(2)} \bigstar{8}\frac{87(2)(6)}{27(2)} and that \$\frac{8}{27(2)} \bigstar{8}\frac{87(2)(6)}{27(2)} began gathering items for \$\frac{8}{27(2)} \bigstar{8}\frac{87(2)(6)}{27(2)} PO Lash did not gather any items and did not otherwise search the location.
The courts have established that warrantless entries into private homes are considered unconstitutional. Exceptions to this rule include emergency situations, as established in <a href="People V.Dallas">People V.Dallas</a> , 8 N.Y. 3d 890 (2007) (07 Board Review) N.Y. Emergency situations that require police must have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property. <a href="People v. Greenleaf">People v. Greenleaf</a> , 222 A.D.2d 838 (11 Board Review)
§ 87(2)(g)
§ 87(2)(g)

## **Civilian and Officer CCRB Histories**

• This is the first CCRB complaint to which \$87(2)(6) has been party (08 Board Review).

- PO Dobbins has been a member of service for eleven years and has been subject in four previous CCRB cases with four allegations and no substantiations. §87(2)(9)
- PO Lash has been a member of service for seventeen years and has been subject in four previous CCRB cases with seven allegations and no substantiations. \$87(2)(9)

## Mediation, Civil and Criminal Histories

- \$87(2)(b) declined to mediate this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of May 5, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (10 Board Review).

Squad No.: <u>4</u> 06/22/2020 Tessa Yesselman SI Tessa Yesselman Investigator: Date Signature Print Title & Name Squad Leader: Raquel Velasquez IM Raquel Velasquez 06/22/2020 Print Title & Name Signature Date Reviewer: Print Title & Name Signature Date